

I. Claim 1

Claim 1 recites a flap having portions adjacent openings in the flap that cooperate with mounting posts of a housing to provide a snap connection between the flap and the mounting posts. A "snap connection" according to the specification of the present invention is a connection between the flap and the housing that is formed by the flap snapping over the mounting posts of the housing. (Page 11, lines 9-11).

A. EP 0 915 302 A2 FAILS TO DISCLOSE A SNAP CONNECTION

In EP 0 915 302 A2, flap valves 38 and 40 do not snap over studs 58 during manufacture of the ventilation grill assembly 30. Instead, the flap valves 38 and 40 are molded prior to the frame 32. The molded flap valves 38 and 40 then are placed in a mold which is designed to produce the frame 32. (EP 0 915 302 A2, paragraph 0024). During molding of the frame 32, the material for forming the posts 58 passes (i.e., flows) through openings in the flap valves 38 and 40 and forms enlarged heads on a side of the flap valves opposite the frame. (EP 0 915 302 A2, paragraph 0014). Thus, EP 0 915 302 A2 fails to disclose a snap connection between the flap valves 38 and 40 and the studs 58 of the frame 32. Therefore, the rejection of claim 1 is improper and allowance of claim 1 is respectfully requested.

B. THE CONNECTION BETWEEN THE FLAP VALVES AND THE STUDS IN EP 0 915 302 A2 IS NOT INHERENTLY A SNAP FIT CONNECTION

In rejecting claim 1, the Examiner states that "the connection between the flap and the studs, i.e., the mounting

posts[,] is inherently a snap fit connection." (Office Action, page 4). This is incorrect as the connection is not "inherently a snap fit connection."

Under the doctrine of inherency, if a feature is not expressly disclosed in a prior art reference, the reference will still be deemed to include the missing feature if the missing feature is "necessarily present" in the item described in the reference. Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991). "Necessarily present" for inherency means more than merely probably or possibly present. Trintec Industries, Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 1295 (Fed. Cir. 2002).

A connection between the flap valves 38 and 40 and the studs 58 of the frame 32 formed by the flap valves snapping over the studs 58 of the frame 32 is not "necessarily present" in EP 0 915 302 A2. With regard to the ventilation grill assembly 30 of Figs. 3 and 4, EP 0 915 302 A2 specifically discloses a connection that is not a snap connection. Therefore, a snap fit connection is not inherent ("necessarily present") in the ventilation grill assembly 30 of Figs. 3 and 4 of EP 0 915 302 A2. Therefore, EP 0 915 302 A2 fails to disclose each feature of claim 1 and allowance of claim 1 is respectfully requested.

II. Claims 2-7

Claims 2-7 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 2-7 are allowable for the specific limitations of each claim:

Claims 4 and 7 both recite that the flap has material portions, surrounding openings in the flap, that are deformable from a first condition to a second condition in response to engagement with the T-shaped mounting posts to enable movement of the flap over the posts. Claims 4 and 7 also recite that the material portions substantially return from the second condition to the first condition after the flap is mounted on the mounting posts. In rejecting claims 4 and 7, the Examiner summarily concludes that these features are inherent in the flap of EP 0 915 302 A2 "since the holes in the flap need to be inserted over the posts (58)." (Office Action, page 3).

The features of claims 4 and 7 are not inherent.. As set forth above, EP 0 915 302 A2 discloses a manner of assembling the flap valves 38 and 40 to the frame 32 in which the holes of the flap are not inserted over the studs (58). Thus, the features of claims 4 and 7 are not inherent to the flap valves 38 and 40 of EP 0 915 302 A2. Since EP 0 915 302 A2 fails to disclose the features of claims 4 and 7, allowance of claims 4 and 7 is respectfully requested.

Claim 5 recites that a base portion of the housing includes a base wall with recessed areas from which the mounting posts project. EP 0 915 302 A2 fails to disclose recessed areas in the frame 32 from which the studs 58 project. Reference to Fig. 3 of EP 0 915 302 A2 clearly shows that the studs 58 project from a planar surface of the frame 32 having no recessed areas. Therefore, the rejection of

claim 5 is improper and allowance of claim 5 is respectfully requested.

III. Claim 10

Claim 10 is similar to claim 4 and is allowable for reasons similar to claim 4. Specifically, EP 0 915 302 A2 fails to disclose, either expressly or inherently, the features of claim 10 for connecting the flap to the mounting posts of the housing. Therefore, allowance of claim 10 is respectfully requested.

IV. Claims 9, 11, and 12

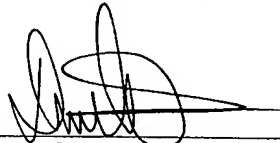
Claims 9, 11, and 12 depend from claim 10 and are allowable for at least the same reasons as claim 10. Additionally, claims 9, 11, and 12 are allowable for the specific limitations of each claim.

Claim 11 is allowable for reasons similar to those set forth above with regard to claim 5.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,



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